

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEMETRIUS JAY MILES,
DANA LYNN MILES, and DANIELLE
DARSHAE DENISE MILES, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
November 2, 2006

Petitioner-Appellee,

v

CHERYL LYNN HINES,

Respondent-Appellant,

and

DEMETRIUS JAY MILES, a/k/a DEMETRIUS
JAY MILES, SR.,

Respondent.

No. 268661
Wayne Circuit Court
Family Division
LC No. 99-375858-NA

Before: Cavanagh, P.J., and Bandstra and Owens, JJ.

PER CURIAM.

Respondent mother appeals as of right from the trial court order terminating her parental rights under MCL 712A.19b(3)(g) and (j). We affirm.

This Court reviews decisions terminating parental rights for clear error. MCR 3.977(J). Clear error has been defined as a decision that strikes this Court as more than just maybe or probably wrong. *In re Trejo*, 462 Mich 341, 357; 612 NW2d 407 (2000). The trial court did not clearly err in finding that petitioner established that respondent mother could not provide proper care and custody for her children and that she would not be able to do so within a reasonable time considering the children's ages or that, based on respondent mother's conduct or capacity, there was a reasonable likelihood that the children would be harmed if returned to her home.

Respondent mother argues that the evidence introduced against her at the termination hearing was insufficient to terminate her parental rights under MCL 712A.19b(3)(g) and (j). We disagree. Respondent mother points to her compliance with the court-ordered treatment plan.

Compliance with the court-ordered parts of a parent-agency agreement is evidence of a parent's ability to provide proper care and custody. *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003). We find that she substantially complied with the court-ordered plan. However, even if she had completely complied, there was credible evidence that she had not benefited from services sufficiently to alleviate the problems which interfered with her ability to properly parent her children. It is necessary, but not sufficient, to physically go through the motions of attending parenting classes, therapy, and other interventions; "a parent must benefit from the services offered so that he or she can improve parenting skills to the point where the children would no longer be at risk and the parent's custody." *In re Gazella*, 264 Mich App 668, 676; 692 NW2d 708 (2005).

For example, respondent mother left her daughters at a neighboring apartment complex's swimming pool for hours without supervision. When respondent mother did arrive, she was uncooperative, belligerent, and called the police officer names while her daughters became visibly upset in the police car. Respondent mother was not able to provide proper care and custody for her children on that day, and, after more than six years of services, there was no reasonable likelihood that she would be able to do so within a reasonable time. Respondent mother's conduct in this incident also placed her children in harm's way. Respondent mother's failure to supervise the children resulted in Danielle being harmed. Therefore, the trial court did not clearly err in finding that petitioner established sections (g) and (j) by clear and convincing evidence.

Termination of parental rights is mandatory if the trial court finds that the petitioner established a statutory ground for termination, unless the court finds that termination is clearly not in the child's best interest. MCL 712A.19b(5); *Trejo, supra* at 344. The children had been in foster care for six years and respondent mother was not able to provide proper care and custody for the children. The last round of unsupervised visits was petitioner's third attempt to bring the family closer to reunification and respondent mother failed at that. The two girls expressed their desire to be adopted by their foster family and said that they were uncomfortable with respondent mother. Respondent mother did not interact appropriately with the children during supervised visits. Therefore, the trial court did not clearly err in finding that termination was not contrary to the children's best interests.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Richard A. Bandstra
/s/ Donald S. Owens